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EXAMINER

WILLIAMS, MARK A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilea et al., US Patent 7,192,066, in view of Weis, US Patent 4,930,961.

Ilea et al. provides a motor vehicle door lock component provided for connection to a vehicle door, in which the motor vehicle door lock component comprises a carrier plate 32 whereon locking pieces (34, 100, 42) are mounted, and a lock housing 30 which at least partially surrounds the locking pieces comprising the carrier plate, characterized in that a counter piece formed from the side of the lock housing, which is opposite to the carrier plate is provided in such a way that it co-operates with a connection element (136, 128) in the vehicle door by means of a through opening (132, 134, 128) in the carrier plate. Inside the connection counter piece a bearing is inherently provided for the thread of a bolt extending through the through opening. The carrier plate is formed from a shape-retaining material. The

carrier plate is formed by a frame box of a motor vehicle door lock. Regarding the Outsert method, as claimed, such a limitation constitutes a product by process limitation, and does not further limit the invention, since what matters is the resulting structure, not the method by which the structure is achieved (see MPEP 2113). Product by process limitations are also found in each of claims 9-14, thus not limiting that particular aspect of the claims accordingly.

The particular claimed form of the counter piece and seat are not provided by Ilea. However, it is old and well known in the art of connections to use such shaped connecting members to achieve a desired fastening result. Weis provides the claimed structure with counter piece (10, 11), seat 32, and connection element B. Such structure provides a quick lock and release connection, as known in the art. It would have been obvious at the time the invention was made for one of ordinary skill in the art to have modified the device in this way, for the purpose of providing an effective means of a quick lock and release connection, as known in the art.

Regarding claim 8, although the housing and plate arrangement of Ilea is provided as a motor housing, and not for a catch and pawl arrangement, it would have been obvious to use a similar housing/plate arrangement as in Ilea, modified

to a catch and pawl as conventional in the art, for the purpose of providing sufficient housing and connecting structure for a catch and pawl assembly.

Regarding claims 10, 11, 12, and 14, although the claimed coating, transportation fixing with snap-in projection, and noise-reducing layer are not explicitly provided by the combination, the examiner serves Official Notice that such structures are very old and well known in the art of vehicle door components, including latches, for their known utilities, including providing paint and/or seal finish, blocking of sound, and additional means of ease of connection. It would have been obvious to include such modifications in the device, for the purpose of achieving known utility in the design, including providing paint and/or seal finish, blocking of sound, and additional means of ease of connection.

Election/Restrictions

3. Claim 15-18 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected claimed invention. The election was made by original presentation, since applicant had received an action on the merits for the originally presented invention. The restriction was made on the basis that claimed apparatus can be formed by an alternative method, such as injection molding. The election is made Final.

Response to Arguments

4. Applicant's arguments filed 4/6/09 have been fully considered but they are not persuasive.

Applicant argues that the Outsert method provides significant inherent structural differences than the applied art, including allowing the production of very precise shapes with very low tolerances, allowing for a significant and critical structural distinction over the applied art. However, it is the position of the examiner that applicant's remarks appear to be merely an opinion of how the Outsert method would provide advantage over the applied art of record, and not based on any particular provable facts. Applicant has not provided sufficient evidence to support the assertions made of the inherent significant and critical structural distinctions between the claimed invention and the applied art.

Applicant argues that the Outsert method greatly improves the overall economic efficiencies and quality in the parts production process, and none of the applied art cites such a method as claimed. However, it is the position of the examiner that such a limitation constitutes a product by process limitation, and does not further limit the invention, since what matters is the resulting structure,

not the method by which the structure is achieved (see MPEP 2113). Therefore, it is not necessary that the applied art provide the particular claimed method of construction, but the final product, or equivalent thereof.

Applicant has not argued the examiners serving of Official Notice. Therefore it is the position of the Office that applicant concedes the examiner's serving of Official Notice as proper, and is considered Applicant's Admitted Prior Art.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. WILLIAMS whose telephone number is (571)272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark A. Williams/
Examiner, Art Unit 3673

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673